State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 4.21

Subject: **Physical and Psychological Examinations of Designated Employees**

Supersedes: DCS 4.21, 03/01/02

Local Policy: No
Local Procedures: No
Requires Training: No

Approved by: Roger D. Wallace, Ph.D.

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Application

To Department of Children's Services Facility Administrators and Employees, Regional Administrators, Children's Services Case Manager's, Children's Services Cottage Parents, Food Service Employees, Teachers, Children's Services Officers, Corporals, Sergeants, Lieutenants and Youth Service Workers.

Authority:

TCA 37-5-105; 37-5-106

Policy

All case managers, food service employees, cottage parents, Youth Development Center/Community Residential Program teachers, cottage parents and security classification employees (children's services officer, corporals, sergeants, lieutenants and youth service workers) employed by the Department of Children's Services must successfully qualify for their job classification or position according to established criteria and be able to perform the essential functions of their jobs.

Procedures

A. General Duty Requirements

Employees defined above must be free from such physical or psychological impairments that may constitute a significant risk of substantial harm to the health or safety of the employee or others, and must be capable of performing the essential duties of the position. All DCS employees must agree to participate in the Department of Children's Services Drug Free Workplace drug and substance abuse screening programs. This includes pre-employment, reasonable suspicion and random

screenings.

1. Security (children's services officers, corporals, sergeants, lieutenants, captains and youth service workers)

a) Security employees must provide constant supervision of juveniles by maintaining security, monitoring and recording youth behavior, overseeing youth's personal hygiene, checking youth chores such as cleaning dormitories, removing trash, collecting and dispensing laundry, supervising recreational activities, counseling and tutoring. Security employees routinely check youth and visitors for contraband, as well as maintaining contact with the youth by accompanying them to and from meals, transporting to locations (i.e., doctor's appointments, court). These duties may require physical exertion involving prolonged walking and standing, running, lifting, balancing, climbing, stooping, restraining or carrying of children in emergencies, participating in the return of AWOLS and may involve stress.

b) Security employees must be able to cope with situations involving a high degree of stress and tension including dealing with difficult youth, disciplinary decisions against youth, frequent verbal confrontations with youth, potential hostage situations, the use of force, riots and disturbances.

c) All security employees must receive a physical and a psychological examination prior to job assignment.

2. Case Managers

a) Case Managers provide case management services for assigned children and families. These duties may include investigating cases of suspected child abuse or neglect and making determinations based upon the investigations as to whether or not the child is abused or neglected, and making recommendations as to whether or not the child should remain in the home or be placed in state custody. Other duties may include working with children who are in custody based upon an adjudication of abuse, neglect, unruliness, or delinquency and providing services and planning to the child and family in order to achieve safety and permanency for the child. The ability to assess and evaluate the stability and safety of children and families is critical to the performance of the job. Finally, case managers may also provide adoption team services for children in full

guardianship by working to recruit and approve adoptive homes. The ability to assess situations and behaviors accurately and make reasonable decisions often in a short time frame is critical.

b) Case Mangers must be able to cope with situations involving a high degree of stress as they work in the homes of and with children and families in crisis. These children (both custodial and non-custodial) have been determined to be either abused or neglected and often suffer serious psychological issues that manifest through aggressive acting out, inappropriate sexual acting out, and addictive behaviors. Family members are often in crisis or stressful modes of behaving and the Cease Manager must have the ability to act and react appropriately. Case managers work intensively with both the child and the family to help to repair damaged child/parent relationships so that children may return home or otherwise achieve permanency.

c) All Case Managers must receive a psychological examination prior to job assignment.

3. Teachers (Youth Development Centers and Community Residential Programs)

a) YDC/CRP teachers supervise and provide general classroom instruction for youth adjudicated unruly or delinquent who are placed in Youth Development Centers or Community Residential Programs. The teacher is responsible for designing, developing and implementing academic criteria for youth including special education services, GED and basic education courses in mathematics, English, science, social studies, and vocational trade programs.

b) Teachers must be able to cope with situations involving a high degree of stress and tension including dealing with difficult youth, verbal confrontations with youth, reporting disciplinary problems with youth, and disturbances.

c) All Teachers must receive a psychological examination prior to job assignment.

4. Cottage Parents

a) Cottage Parents work in a residential cottage setting providing youth supervision by maintaining security, monitoring and recording youth behavior, overseeing youth's personal hygiene, checking youth's chores,

supervising recreational activities, counseling, and tutoring. Cottage Parents act as a surrogate parent and parental role model to youth and ensures and contributes to the safety and well being of the youth within the cottage programs. Cottage Parents also monitor youth and visitors for appropriate and proper behavior and activities during visits and accompanies and assists youth with meals, doctor appointments, and trips to the bus station to maintain and provide support and security for the youth.

b) Cottage Parents must be able to cope with situations involving a high degree of stress and tension including dealing with difficult youth, verbal confrontations with youth who have been abused/neglected, and disturbances.

c) All Cottage Parents must receive a physical and a psychological examination prior to job assignment.

5. Food Service Employees

a) Food Service Employees (FS employees) supervise youth adjudicated delinquent in the Youth Development Centers and Community Residential Programs. The FS employees direct youth in all phases of food preparation such as cleaning the kitchen and equipment, cooking and baking volume meals and receiving and storing supplies. FS employees also assist in maintaining security and teaching youth the rules of personal hygiene, sanitation and safety, and evaluating youth performances.

b) FS employees must be able to cope with situations involving a high degree of stress and tension including dealing with difficult youth, verbal confrontations with youth, disturbances, reporting disciplinary problems with youth.

c) All food service stewards will receive a physical and a psychological examination prior to job assignment.

B. Purpose and scope of examinations

1. The purpose and scope of the physical and psychological examinations are to reasonably ensure the physical and psychological capabilities of the pre-service employees and provide for the safety and security of children, families, employees and the public.

2. The examinations are not intended as diagnostic or

treatment exams and are therefore limited to determining physical and psychological fitness for performing the essential functions of the job.

3. Drug Screening

Prior to conducting any physical or psychological examination and before the employee attends any pre-service training; all designated employees must take and pass a pre-employment drug screen. Designated employees must also agree to participate in reasonable suspicion and random drug and substance abuse screening programs.

C. Examination administration

1. During the interview stage at the individual DCS facility/office, each applicant for designated positions must be notified in writing of the physical and psychological requirements and, at that time, must sign form CS-0185, *Statement of Notification* to acknowledge that he/she has been informed that he/she may have to submit to a physical/psychological evaluation. The personnel officer or chair of the interview must date and sign the form as a witness.

2. Physical and psychological examinations must be administered to all designated pre-service employees after a conditional offer of employment. If a candidate has previously (within the last year) successfully completed the qualifying psychological screening, he/she may be exempt from re-testing at the time of rehire but must be required to repeat the physical exam and fitness test.

3. All physical exams must be conducted by a licensed physician. The psychological review must be completed by a qualified professional in the psychiatric or psychological field who evaluates the test results, conducts structured interviews, and reports relevant findings to the Department.

4. The informed consent and results of all exams and tests must be recorded on approved DCS forms. Reports must be maintained in a confidential file by the DCS personnel officer.

D. Components of physical examinations

Physical examinations are required for the following designated classifications: Security personnel (children's services officers, corporals, sergeants, lieutenants, captains and youth service workers), cottage parents, and food service employees.

1. The examiner will determine whether the individual employee can perform the particular job duties as set out in the Job Specification and in this policy (**Sections A and D**)

without presenting a significant risk of substantial harm to the health or safety of the employee or others.

a) The employee must be able to spend up to eight hours per day on his/her feet while patrolling corridors, dormitories/cottages, program areas and supervising youth movement, or preparing volume food items and lifting large items for food preparation.

b) The employee must have vision in each eye correctable to 20/40 in order to perform thorough security inspections, searches of living units, dormitories, corridors, program areas, youth and/or visitors for contraband items, and to provide general visual observation for security policy compliance.

c) The employee must maintain sufficient physical agility and stamina to intervene with violent, unruly, or uncooperative youth, family members or visitors, and must be able to exert the minimum necessary strength to restrain and subdue the youth.

d) The employee must be agile enough to control and rapidly extricate him/herself and youth from buildings in case of fire, natural disaster or other emergencies. The employee must possess sufficient physical strength to remove or help carry incapacitated persons from hazardous areas. The employee must be capable of running a distance as required in the apprehension of a fleeing youth.

e) The employee must be able to physically cope with situations involving high degrees of stress and tension including dealing with difficult and disruptive youths and/or families, disciplinary youth decisions, verbal confrontations with youth or families, nonresponsive or aggressive family situations, potential hostage situations, the use of force, riots, and disturbances.

2. Great care must be exercised in the interpretation of examination findings as they relate to the specific duties of the security job classifications. Sound professional judgment and past experience with disturbed and/or disruptive youth and families and facility operations play a large part in the decision making process. Defects, disorders or physical handicaps which, in the physician's judgment, present a significant risk of substantial harm to the health or safety of the employee, other employees or youth, or be aggravated by service, or lead to absenteeism or disability claims as time goes on may cause rejection. Other causes for rejection may include communicable

diseases, illness, or injuries that pose significant risk of substantial harm to the health or safety of the employee or others if the person is employed in this setting. A satisfactory minimum examination must include a physical exam as outlined in this policy and performed by and at the Tennessee Correction Academy.

3. The medical examiner must check the employee's health history, and secure any additional information that he/she considers necessary.

4. Employees who are found to have immediately correctable conditions as specified (i. e., glasses) during their physical examination must be given the opportunity to show that corrective action has been initiated by the first day of the second week of pre-service training. If such corrective action is not completed within this timeframe, this information should be included in the physician's report to the Department.

5. The examiner must maintain and keep confidential the results, written notes, and evaluation information pertaining to DCS employees. This material must not be released other than to the Department by the examiner without a written release of information from the individual employee.

6. The decision to employ or continue employment of the employee is an administrative issue and rests with the Department of Children's Services. The final employment decision is the responsibility of the Department of Children's Services and must be made as set out below in **Section F**.

E. Components of Psychological Examinations

Psychological examinations are required for the following designated classifications: Security personnel (children's services officers, corporals, sergeants, lieutenants, captains and youth service workers), case managers, YDC/CRP teachers, cottage parents, and food service employees.

1. The examiner will determine whether the individual employee can perform the particular job duties as set out in the Job Specification and in **Section A** of this policy without presenting a significant risk of substantial harm to the health or safety of employees or others.

2. The psychological exam should determine the following:

If there is a presence of a diagnostic condition as defined by the current *Diagnostic and Statistical Manual of Mental*

Disorders - DSM, as promulgated and published by the American Psychiatric Association, which could interfere with job performance. This definition includes the classifications of Axes I and II categories and codes of the DSM. Exceptions that are not disqualifying include Tobacco Withdrawal (292.00), Caffeine Intoxication (305.99) and Tobacco Dependence (305.1x).

3. The qualified mental health professional must exercise professional judgment and be allowed discretion in the areas of:

a) Substance use disorders which are in remission;

b) Mental disorder in remission or controlled by medication, and

c) Utilization of the DSM.

4. Persons who have been determined to be suffering from a DSM diagnosable mental disorder by the qualified mental health professional must be indicated in the report to the Department (by said professional) as having significant mental health issues that may impact the ability of the employee to perform the essential job functions position for which they have applied. The responsible mental health professional must then submit immediately to the Department a summary indicating the employee's current level of functioning, whether the employee can perform the essential job duties, and whether or not the employee currently poses a significant risk of substantial harm to the health or safety of the employee or others if placed in the position.

5. The qualified mental health professional must maintain and keep confidential the results, written notes, and evaluation information pertaining to the DCS employees. This material must not be released other than to the Department by the responsible mental health professional without a written release of information from the individual employee.

6. The decision to continue employment of the employee is an administrative issue and rests with the Department of Children's Services. The final employment decision is the responsibility of the Department of Children's Services and must be made as set out below in **Section F**.

F. Individualized Assessments of Employees

Upon receipt of the findings of the physical and psychological evaluations set out in **Sections D and E**, the Department must conduct an individualized assessment in order to determine if the employee will be able to perform the essential functions of the job duties either with or without a reasonable accommodation.

1. Upon receipt of the report from the examiners, the field hiring authority (Regional Administrator, Youth Development Center Superintendent or Community Residential Program Supervisor) must consult with Central Office Personnel and determine if the employee is able to perform the essential functions of the job or if the employee poses a significant risk of substantial harm to the health or safety of employees or others.

2. If the determination is that the employee is able to perform the essential functions of the job, the employee will be retained regardless of the outcome of the examination.

3. If the determination is that the employee is unable to perform the essential functions of the job, the Department must determine if the employee could perform the essential functions with a reasonable accommodation. If so, the accommodation must be made and the employee retained. If the employee cannot perform the essential functions of the job with a reasonable accommodation, the employee will be separated from state service. All determinations related to the employee's ability/inability to perform the essential functions of the job must be documented and maintained confidentially.

4. If the determination is that the employee cannot perform the job because they pose a "direct threat" to the health and safety of themselves and others, the Department must determine if the threat cannot be eliminated or reduced below the "direct threat" level through reasonable accommodation. If so, the accommodation must be made and the employee retained. If the "direct threat" cannot be eliminated or reduced with a reasonable accommodation, the employee will be immediately separated from state service. All determinations related to the employee's direct threat to the health and safety of themselves or others must be documented and maintained as confidential.

5. If, after the review, there is a determination that the employee is unable to perform the essential functions of the job under either the psychological or physical

examination said determination might be grounds for termination. If the determination that the employee cannot perform the essential functions of the job is completed prior to the second evaluation, the other evaluation may not be completed. For example, if an employee fails the physical examination and is determined to be unable to perform the essential functions of the job, the psychological review is unnecessary and the individual may be separated from the employment process as unable to perform the essential functions of the job.

6. The results of the examinations and review are final and may be grounds for separation from the employment process as set out in this policy. Second opinions from representatives outside of the Department or its contract designee are not permitted unless specifically requested by the examiner or the Department.

Forms

CS-0185 Statement of Notification

Collateral Documents

Diagnostic and Statistical Manual of Mental Disorders - DSM

Standards

3-JTS-1C-16